

UNITED STATES DISTRICT COURT
Southern District of Texas
Holding Session in Houston

UNITED STATES OF AMERICA

V.

BP PRODUCTS NORTH AMERICA INC.**JUDGMENT IN A CRIMINAL CASE**

(For Organizational Defendants)

CASE NUMBER: **4:07CR00434-001**Carol E. Dinkins

Defendant Organization's Attorney

☐ See Additional Aliases**THE DEFENDANT ORGANIZATION:**☒ pleaded guilty to count(s) 1 of the Criminal Information on February 4, 2008.☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant organization is guilty of the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
42 U.S.C. § 7413(c)(1); 40 C.F.R. Part 68, Sections 73(b), 87(b)(2)	Violation of Section 112(r)(7) of the Clean Air Act	03/23/2005	1

☐ See Additional Count of Conviction.

The defendant organization is sentenced as provided in pages 2 through 6 of this judgment.

☐ The defendant organization has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

IT IS ORDERED that the defendant organization shall notify the United States Attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization shall notify the court and United States Attorney of any material change in the organization's economic circumstances.

March 12, 2009

Date of Imposition of Judgment



 Signature of Judge
LEE H. ROSENTHAL**UNITED STATES DISTRICT JUDGE**

Name and Title of Judge

March 13, 2009

 Date

DEFENDANT ORGANIZATION: **BP PRODUCTS NORTH AMERICA INC.**

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PROBATION

The defendant organization is hereby sentenced to probation for a term of 3 years.

This term shall consist of THREE (3) YEARS as to Count 1.

☐ See Additional Probation Terms Sheet.

The defendant organization shall not commit another federal, state or local crime.

☐ See Additional Mandatory Conditions Sheet

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant organization pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant organization shall comply with the conditions that have been adopted by this court (set forth below).

CONDITIONS OF SUPERVISION

☒ See Additional Conditions of Supervision on the following page.

- 1) Within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organization's representative and to be the primary contact with the probation officer;
- 2) The defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) The defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) BP Products must notify the probation officer within seventy-two (72) hours of any criminal prosecution. Within thirty (30) days, BP Products must notify the probation officer of the filing of any major health, safety, or environmental civil enforcement litigation, or major health, safety, or environmental administrative enforcement proceeding, against BP Products' Texas City Refinery;
- 5) The defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.
- 6) If BP Products fails to satisfy the criminal monetary penalties imposed, it may not waste, nor without permission of the probation officer, sell, assign, or transfer any assets.

DEFENDANT ORGANIZATION: **BP PRODUCTS NORTH AMERICA INC.**

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CONDITIONS OF SUPERVISION

- 7) BP Products must comply with all the provisions of the plea agreement.
- 8) As stated in the plea agreement, BP Products must comply fully with the Settlement Agreement executed between it and the United States Occupational Health and Safety Administration ("OSHA") on September 22, 2005, in resolution of inspection numbers 308314640 and 308314988. BP Products must also comply fully with the Agreed Order executed between it and the Texas Commission on Environmental Quality ("TCEQ") under docket number 2005-0224-AIR-E. In the event BP Products is unable to complete its obligation under the TCEQ order within the three-year probation term, it must inform the United States sixty (60) days before the end of the three-year term, and BP Products and the United States must jointly move the court to extend the term of probation up to five years and will ask the court to set compliance with and completion of the TCEQ order as the only terms of the extended probation period.
- 9) If BP Products commits any federal environmental or process-safety crime relating to its Texas City refinery operations, it will breach the plea agreement. Such crimes include those laws and regulations for which primary enforcement has been delegated to state authorities excluding Class C misdemeanors and infractions, as defined by 18 U.S.C. § 3559.
- 10) If BP Products fails to satisfy the criminal monetary penalties imposed, it must provide any financial information that this court or the probation officer requests.

DEFENDANT ORGANIZATION: **BP PRODUCTS NORTH AMERICA INC.**CASE NUMBER: **4:07CR00434-001****CRIMINAL MONETARY PENALTIES**

The defendant organization shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 3, Part E.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 400	\$ 50,000,000	\$

☐ See Additional Terms for Criminal Monetary Penalties Sheet.

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
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☐ See Additional Restitution Payees Sheet.

TOTALS	\$0.00	\$0.00
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☐ If applicable, restitution amount ordered pursuant to plea agreement \$_____

☒ The defendant organization shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for the ☐ fine and/or ☐ restitution.

☐ the interest requirement for the ☐ fine and/or ☐ restitution is modified as follows:

☐ Based on the Government's motion, the Court finds that reasonable efforts to collect the special assessment are not likely to be effective. Therefore, the assessment is hereby remitted.

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT ORGANIZATION: **BP PRODUCTS NORTH AMERICA INC.**CASE NUMBER: **4:07CR00434-001****SCHEDULE OF PAYMENTS**

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$400 due immediately, balance due
☒ not later than March 16, 2009, and/or
☒ in accordance with ☐ C, ☐ D, and/or ☒ E, below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ E below); or
- C ☐ Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☒ Special instructions regarding the payment of criminal monetary penalties:
 Make all payments payable to: U.S. District Clerk, Attn: Finance, P.O. Box 61010, Houston, TX 77208

All criminal monetary penalties are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several**Case Number
(Including Defendant Number)****Defendant Name****Joint and Several
Amount**☐ See Additional Defendants Held Joint and Several sheet.☐ The defendant organization shall pay the cost of prosecution.☐ The defendant organization shall pay the following court cost(s):☐ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:☐ See Additional Forfeited Property Sheet.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.